

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 33-35 are pending in the present application, Claims 33-35 having been amended. Support for amendments to Claims 33-35 is found, for example, in Fig. 30. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 33-35 were provisionally rejected under the judicially created doctrine of obviousness double patenting as unpatentable over Claims 14-16 of copending Application number 11/484,771 and as unpatentable over Claims 14-16 of copending Application number 11/484,651.

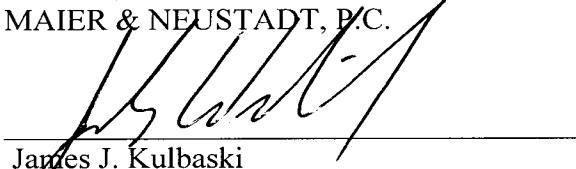
With respect to the provisional double patenting rejections, a terminal disclaimer is filed herewith.

The filing of a Terminal Disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The "filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

Accordingly, in view of the present amendment and the previous discussion, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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